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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,005	06/03/2002	Roger Clifford	AJO-101-A	4593
26694	7590	09/07/2004	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP			LEE, BENJAMIN C	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20043-9998			PAPER NUMBER	
			2632	

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/089,005	CLIFFORD, ROGER	
	Examiner	Art Unit	
	Benjamin C. Lee	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/24/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/15/02</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1- are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US pat. #6,278,884).

1) In considering claims 1-, Kim discloses:

a) Claim 1: A portable alarm and cellular telephone unit (8), comprising a cellular telephone transmitter/receiver (col. 2, lines 44-45), telephone number input means (12), a microphone (14, 24) and loudspeaker (15, 23), wherein the unit further comprises a sensor (16) adapted to detect an alarm condition, the sensor being operably linked to the transmitter/receiver such that upon detection of the alarm condition an alarm call is placed automatically to a

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predetermined destination telephone number (col. 2, line 60 to col. 3, line 7 and col. 6, lines 45-50).

b) Claim 2: wherein said telephone number input means comprises a numerical keypad (12).

c) Claim 3: wherein the unit is further provided with a visual display screen (13).

d) Claim 4: wherein the sensor is a movement sensor (col. 2, line 62), which is actuated in response to any movement of the unit

e) Claim 5: wherein the unit is connectable to one or more external sensors (external sound sensing microphone 24 connectable to the unit 8 at jack 22, whereby the microphone can be used to capture sounds for recordation and remote transmission according to col. 4, lines 12-19, Figs. 2 & 4 and col. 3, lines 22-40).

f) Claim 6: further comprising means for arming of the sensor or a selected one or more of several sensors (20 according to col. 3, lines 1-19).

g) claim 7: wherein said means comprise a manually operated switch (20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Dimino (US pat. #5,918,180)

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1) In considering claims 8-9, Kim met all of the claimed subject matter as in claim 6, except:

--specifying the claimed wherein said means for arming comprises means for entering a predetermined code via the telephone number input means (claim 8), or armed by dialing-in to the unit from a remote telephone (claim 9).

While Kim discloses pressing button 20 twice on device 8 having a separate telephone number input keypad 12 to arm the alarm function, Dimino teaches in known alternatives of arming a device function by either using a keypad to enter a predetermined code, or by dialing-in to the device from a remote telephone (col. 8, lines 25-28).

In view of the teachings by Kim and Dimino, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to employ either the telephone number input keypad of the device such as taught by Kim to arm the alarm by entering a predetermined code, or a dialing-in feature to the device from a remote telephone such as taught by Dimino in order to provide a safe guard against unauthorized arming of the alarm as well as in better preventing accidental arming and subsequent alarm generation.

2) In considering claim 10, Kim and Dimino render all of the claimed subject matter obvious as in claim 9, except:

--specifying the claimed wherein the unit is preprogrammed with the number of the remote telephone by which the sensor is to be armed.

However, since cellular telephones such as unit 8 of Kim conventionally include a telephone number preprogramming feature as a memory recall or speed dial function for user convenience, it would have been obvious to one of ordinary skill in the art at the time of the

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claimed invention to preprogram the unit of Kim and Dimino with the number of the remote telephone by which the sensor is to be armed, since the owner of such remote telephone is obviously someone or some place the user knows due to the remote arming feature located at that remote telephone.

3) In considering claim 11, Kim and Dimino render all of the claimed subject matter obvious as in the consideration of claim 9, whereby:

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to further allow disarming of the unit sensor by the remote telephone in addition to the arming function in an alarm system such as taught by Kim and Dimino so that the sensor is alternately armed and disarmed by reception of an incoming telephone call from said remote telephone, analogous to the well known toggle switch function.

4) In considering claim 12, Kim and Dimino render all of the claimed subject matter obvious as in claim 11, including:

--the claimed means for issuing a local audible or visual alarm signal upon detection of the alarm condition (17 in Figs. 1 & 3 and 52 in Figs. 2 & 4 of Kim).

5) In considering claim 13, Kim and Dimino render all of the claimed subject matter obvious as in claim 11, including:

--the claimed manually actuable means for issuing a local audible or visual alarm signal (col. 3, lines 1-2 and 64-65 of Kim)..

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Dimino and Ayoub et al. (US pat. #6,477,363)

1) In considering claim 14, Kim and Dimino render all of the claimed subject matter obvious as in claim 11, and:

a) Kim recognizes the usefulness of providing GPS positioning information from the cellular unit to a monitoring remote station for its intended applications, but opted against its inclusion due to its perceived cost being beyond the financial resources of the average consumer (col. 1, lines 38-41 and 11-36);

while:

b) Ayoub et al. Discloses inclusion of a Global Positioning System (GPS) signal receiver in a portable cellular alarm device adapted to receive GPS signals from one or more GPS satellites in orbit above the Earth, and adapted to transmit positional information derived from the GPS signals (Abstract, and Figs. 1-2).

The cost of GPS positioning service and hardware have seen continual reduction as they enjoy increasingly larger market share from average consumers in the form of personal portable GPS devices as well as portable and vehicle mounted navigation systems, etc. Furthermore, considerations of device cost by consumers or would-be users are include weighing such cost against potential benefits from intended applications of a device such as taught by Kim and Dimino, so that if parents are or have reason to be concerned about their children enough, they may be willing to pay the cost associated with GPS service for the added safety it provides for being able to quickly locating and bring aid to their children equipped with such portable alarms who may be in grave danger, for example. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that to include a GPS position information obtaining and transmitting feature such as taught by Ayoub et al. in a portable alarm

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device such as taught by Kim and Dimino for intended applications where the GPS feature is not a significant cost factor or its potential benefits outweigh its cost.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Devine, US pat. #5,847,647

--A similar motion sensing alarm using the original equipment keypad to enter a predetermined code for arming the alarm (col. 3, lines 1-11 and col. 5, lines 14-21).

2) US Pat. Nos. 5850180, 5578991, 6072396, 6320504, 5260689, 6172607, 5963131, 5317304

--Similar alarm systems.

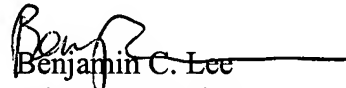
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963.

The examiner can normally be reached on Mon -Fri 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin C. Lee
Primary Examiner
Art Unit 2632

B.L.